

REMARKS

Fitzsimmons discloses a system of handheld devices to be carried by visitors as they wander through a museum. Each handheld device has a hard drive 336 in which is stored information about the museum's various exhibits. Associated with each exhibit is an IR transmitter 434 that transmits an identifier.¹ To obtain information about a nearby exhibit, the visitor activates his portable IR receiver 370.² The handheld device then retrieves exhibit-specific data from its hard drive 336.³

Video information is broadcast directly from the A/V server 452 through an RF link. However, this video information appears to be broadcast continuously from the antennas 438. Thus, when the visitor walks into the exhibit area with his handheld device, the video track is already playing.

The audio track, however, is stored separately, apparently on the hard drive. With audio and video coming from different sources, there is no assurance that they are in any way synchronized. To circumvent this difficulty, *Fitzsimmons* discloses a synchronization scheme that involves transmitting time codes.⁴ The handheld device uses these time codes to retrieve the correct portion of the audio track from the hard drive 336.

It is not the case that the A/V server 452 retrieves and transmits video information in response to any activity of the handheld device. As best understood, the A/V server 452 broadcasts the video track continuously, without regard to any activity by the handheld devices. Thus, all handheld devices in the area would receive the same video broadcast. Were this not the

¹ *Fitzsimmons*, [0040] ("According to exemplary embodiments, each IR transmitter 434 continually transmits a gallery/exhibit identification code")

² *Fitzsimmons*, [0040] ("the visitor is instructed to aim the user selection device 100 at an easily recognizable symbol positioned near the IR transmitter 434 while simultaneously depressing the Select key 135. Depressing the Select key 135 momentarily activates the internal IR receiver 370 so that the gallery and exhibit identification can be detected")")

³ *Fitzsimmons*, [032] ("the main processor 305... retrieves user selected content (e.g., compressed audio files) from the IDE hard disk 336 as the user traverses the display facility."); see also *Fitzsimmons*, [042] ("Once an artifact identifier has been entered by the visitor, corresponding content is retrieved from the internal hard disk 336").

⁴ *Fitzsimmons*, [056-058].

case, there would never be any need for *Fitzsimmons*' extended discussion on how to synchronize the audio and video track.

The *Fitzsimmons* A/V server 452 therefore fails to meet the limitation, in amended claim 1, of being configured to

retrieve data concerning a selected object and to transmit the data to a particular portable device in response to establishment of IR communication between the object server and the particular portable device.

Instead, *Fitzsimmons* discloses a system in which the A/V server 452 broadcasts video data to *all* portable devices, without regard to their identities. It does so *continuously*, without regard to whether an the particular handheld device has established IR communication with an exhibit server 444. The A/V server 452 thus functions like a television broadcast station, transmitting its programming on a designated channel without regard to whether any visitors happen to be tuned in.

In contrast, in Applicant's system, the central server transmits data to particular handheld devices in response to establishment of IR communication between the device and an object server. There is no simultaneous broadcast of video to all devices, with audio being stored elsewhere. This avoids the need for a hard drive on the handheld device for storing the audio track. It also avoids the additional complexity associated with synchronizing the audio track with the broadcast video.

It is thus apparent that *Fitzsimmons* fails to disclose each and every limitation of claim 1. Claims 2-10 include the limitations of claim 1. Hence, those claims are distinct from *Fitzsimmons* for at least the same reasons discussed in connection with claim 1. Accordingly, Applicant requests reconsideration and withdrawal of the section 102 rejection of those claims.

With regard to claim 11, Applicant draws attention to the two limitations of transferring the object identity code to the central server;

retrieving requested information from a database of the central server
based on the object identity code;

As discussed above, in *Fitzsimmons*, the A/V server **452** broadcasts video information about all the exhibits simultaneously, with each exhibit being associated with a particular communication channel. Within a particular channel, the A/V server **452** broadcasts video continuously, without regard to any object identity code having been transferred to the A/V server **452**.

As disclosed by *Fitzsimmons*, to view a video display, the visitor tunes the receiver of his handheld device to the appropriate channel. He does so by entering a selection code.⁵

In principle, this is no different from changing the channel on one's television set. When a viewer changes the channel, there is no transfer of some sort of code to the television station. Changing the channel does not result the television station retrieving programming from a database and transmitting that programming on the channel. Instead, what happens in both television broadcasting, and apparently also in the *Fitzsimmons* system, is that the television station (or A/V server **452** in *Fitzsimmons*) simply broadcasts its programming on an allocated channel, without knowing whether anyone is even watching. When one changes the channel, whether it be in the television broadcasting context or in *Fitzsimmons*, one sees whatever happens to be "on the air" at that time.

Accordingly, *Fitzsimmons* fails to disclose each limitation of claim 11. Claims 12-14 include the limitations of claim 11 and are patentable for at least the same reasons discussed in connection with claim 11.

With regard to claim 15, and its dependent claims 16-18, Applicant draws attention to the limitation of

⁵ *Fitzsimmons*, [055] ("When the user enters the ID associated with a video display, the portable selection device can tune the internal RF audio receiver to an appropriate channel").

Applicant : Mathias Althin et al.
Serial No. : 10/010,657
Filed : December 6, 2001
Page : 9 of 9

Attorney's Docket No.: 12587-012001 / 01344-00/US

transmitting the object identification code to a central server, the object identification code causing retrieval of information concerning an object associated with the object identification code;

As discussed above, there is no disclosure in *Fitzsimmons* of transferring a code to the A/V server 542 that causes the A/V server to retrieve information about a particular object. Accordingly, *Fitzsimmons* fails to disclose all the limitations of claim 15 and its progeny.

Now pending in this application are claims 1-18, of which claims 1, 11, and 15 are independent. No fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, referencing attorney docket "12587-012001."

Respectfully submitted,

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